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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRISHA LEE BERNHARDT,

Defendant.

CR 17-141-BLG-SPW

OFFER OF PROOF

The United States of America, represented by Assistant United States Attorney Colin M. Rubich, files its offer of proof in anticipation of the change of

plea hearing set in this case on March 28, 2018.

THE CHARGE

The defendant, Trisha Lee Bernhardt, is charged by indictment with passing or uttering counterfeit obligations or securities of the United States, in violation of 18 U.S.C. §§ 472 and 2.

PLEA AGREEMENT

There is not a plea agreement in this case. Bernhardt will plead guilty to the sole count contained in the indictment without benefit of a written plea agreement. In the government's view, this is the most favorable resolution of this case for the defendant. *See Missouri v. Frye*, 566 U.S. 134 (2012).

ELEMENTS OF THE CHARGE

In order for Bernhardt to be found guilty of passing or uttering counterfeit obligations or securities of the United States, in violation of 18 U.S.C. §§ 472 and 2, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant passed a counterfeit \$100 bill;

Second, the defendant knew that the \$100 bill was counterfeit; and

Third, the defendant acted with the intent to defraud.

To be counterfeit, the \$100 bill must have a likeness or resemblance to a genuine \$100 bill.

PENALTY

The charge contained in the indictment carries a maximum penalty of 20 years imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

After moving to Montana in May of 2015, Misty Marcum began counterfeiting currency by washing \$1 bills and reprinting them into \$100 bills. Marcum identified Trisha Bernhardt as someone who actively heled her pass counterfeit currency. Marcum stated that she and Bernhardt passed approximately \$10,000 in Billings and Bozeman. Marcum stated that she and Bernhardt passed most of the counterfeit currency at stores located on Main Street in Bozeman between May 5th and May 7th of 2016. Marcum stated that Bernhardt knew that the bills were counterfeit. Agents with the US Secret Service obtained surveillance video of Bernhardt and Marcum from several stores on Main Street in Bozeman that had received counterfeit \$100 bills and Marcum was identified as

one of the individuals passing the bills. Bernhardt ultimately admitted to investigators that she was in Bozeman with Marcum in May of 2016 and that she knowingly passed counterfeit while they were there.

DATED this 26th day of March, 2018.

KURT G. ALME
United States Attorney

/s/ Colin M. Rubich
COLIN M. RUBICH
Assistant U.S. Attorney